

## **Town of Halfmoon Planning Board**

### **Meeting Minutes – May 12, 2014**

Those present at the May 12, 2014 Planning Board meeting were:

**Planning Board Members:** John Ouimet – Chairman  
Don Roberts – Vice Chairman  
Rich Berkowitz  
Marcel Nadeau  
Tom Ruchlicki  
John Higgins  
Lois Smith-Law

**Planning Board Alternates:** Margaret Sautter  
Robert Partlow

**Director of Planning:** Richard Harris  
**Planner:** Paul Marlow

**Town Attorney:** Lyn Murphy  
**Deputy Town Attorney:** Matt Chauvin

**Town Board Liaison:** Walt Polak

**CHA Representative:** Mike Bianchino

---

Mr. Ouimet opened the May 12, 2014 Planning Board Meeting at 7:00pm. Mr. Ouimet asked the Planning Board Members if they had reviewed the April 28, 2014 Planning Board Minutes. Mr. Roberts made a motion to approve the April 28, 2014 Planning Board Minutes. Mr. Berkowitz seconded. Mr. Ouimet and Mrs. Sautter abstained due to their absence from the April 28, 2014 Planning Board meeting. Vote: 7-Aye, 0-Nay, 2-Abstained. Motion carried.

#### **New Business:**

##### **14.050 NB Effie's Boutique, 1 Birchwood Drive – Commercial Site Plan**

Mr. David Hopper stated the following: I am an architect representing the owners of this project. We have an existing lot located on the corner of Grooms Road and Birchwood Drive. The proposal is for a building just under 2,000 SF for a wood framed retail store. Regarding the parking lot; our problem is that, from what I understand, according to zoning that this project would require 150 FT of lot width and currently Birchwood Drive has 100 FT of frontage. We do meet the setbacks on both Grooms Road and Birchwood Drive. There is an easement issue for the parking requirements as far as the service access. There would be plenty of greenspace along Grooms Road and around the building. However, we can't achieve that 150 FT of lot frontage. Mr. Ouimet asked was there any thought about reducing the size of the building because you might be able to meet the requirement at that point. Mr. Hopper stated the physical depth of the lot is 100 FT and without purchasing additional property, we couldn't achieve that 150 FT minimum. There is another residence nearby and that lot is occupied. Mr. Ouimet stated right, so there is a buffer that you have to go between commercial and residential, correct? Mr. Hopper stated I do believe the line is

right here to commercial and residential. Mr. Ouimet stated the following: Right, but as far as a no-build buffer; you have to meet that between commercial and residential. Is that another variance that you are going to need to seek? Mr. Hopper stated that's possible because we only have approximately 50 FT to the adjacent building. Mr. Ouimet stated okay, you've had discussions with our Planning Department about these deficits in the lot, correct? Mr. Hopper stated I think the owner's has. Mr. Ouimet stated okay. Mr. Harris stated the following: In addition to the lot size and then, as you mentioned, the lot frontage on Birchwood. The rear yard requirement there is 25 FT and you only show 15 FT and looks like you could possibly adjust that, but then I don't know what it does to parking completely that you might create a different problem there. Our Code requires a transition yard between an adjacent residential zone of 50 FT if you have an opaque fence or a landscaped buffer or 100 FT if nothing, which you have difficulties obviously with both of those numbers given that. So, that would be another variance and then the way we calculate parking spaces you end of being one shy of the required 12 and you might be able to squeeze another one in. Mr. Hopper stated on another plan I did squeeze another one in. Mr. Harris stated the following: Okay. The only other thing is our Code requires parking spaces to be 10 FT x 20 FT with allowances to the Board to do 9 FT x 20 FT. So, those show 9 FT x 18 FT and I don't know what that does to parking if you start going to 10 FT x 20 FT. Mr. Hopper stated if you are willing to meet us halfway, we can do the 9 FT x 20 FT. Mr. Harris stated that would be for the Board to determine if 9 FT x 20 FT is acceptable, but it is allowed in the code. Mr. Ouimet stated the following: I don't believe the Board can even entertain that question at this point in time with the configuration the way you are proposing it. This Board doesn't have the authority to grant any variances and we would have to vote to deny your application to give you leeway to the Zoning Board of Appeals (ZBA) where you could argue your case at that point in time. Mr. Harris stated you do have the option of 10 FT x 20 FT or 9 FT x 20 FT if you feel the site can handle that. Mr. Ouimet stated I understand that, but if the ZBA is not inclined to grant their application for a variance, we don't even reach that question so, I guess we have to take it one step at a time. Mr. Ouimet stated so, we'll leave you the option of going to the ZBA for variances or whatever you need as they have the authority to grant it and the Planning Board does not.

Mr. Roberts made a motion to deny the Commercial Site Plan application for Effie's Boutique as it does not meet the Town's zoning requirements. The application was denied due to a failure to meet the following minimum requirements of the Town Code:

- \* Lot Size = Minimum lot acreage of 25,000 SF is required. The lot is 16,965 SF.
- \* Frontage = Minimum lot frontage is 150'. The lot has a 100' frontage on Birchwood Drive.
- \* Rear Yard = Minimum rear yard setback is 25'. The plan shows 15'.
- \* Transition Yard = Since this lot abuts a residential district, a 100' setback or 50' setback with fencing or evergreen plantings is required for the side yard to the south. The setback shown on the plan is 25.4'.
- \* Parking Spaces = Twelve parking spaces are required. The plan shows eleven.
- \* Parking Space Dimensions = Parking spaces are required to be 10' x 20', with Planning Board discretion to allow 9' x 20' spaces. The Site plan shows spaces 9' x 18'.

Mr. Nadeau seconded. All-Nay. Motion carried.

#### **14.055 NB      Prudential Office, 21 Executive Park Drive – Change of Tenant**

Mr. Matt Stephenson, the applicant, stated the following: I'm applying for a Change of Tenant to open up a Prudential Office at 21 Executive Park Drive. Mr. Ouimet asked Mr. Marlow if he had an opportunity to look at the site to see if there are any issues with the parking? Mr. Marlow stated I have looked at the site and there does not appear to be any apparent issues. Mr. Ouimet asked the applicant if he was going to have a sign. Mr. Stephenson stated there is no new sign. Mr.

Roberts asked is there any signage at all? Mr. Stephenson stated there is signage on the door and there is a hanging sign on the existing structure. Mr. Roberts asked are you going to change those signs to your company name? Mr. Stephenson stated no, there would be an addition to the sign. Mrs. Murphy stated the following: It sounds like you're switching out the signs and you'll probably have to do a sign application, but check with the Planning Department just to make sure exactly what you're referring to and if you'll need to do it. Mr. Stephenson stated okay.

Mr. Roberts made a motion to approve the Change of Tenant application for the Prudential Office. Mr. Nadeau seconded. All-Aye. Motion carried.

**14.056 NB            Law Office of Alice M. Breeding, PLLC, 21 Executive Park Drive – Change of Tenant**

Ms. Alice Breeding, the applicant, stated the following: I'm applying for a Change of Tenant and I will be renting an office space in the same building at 21 Executive Park Drive. Mr. Ouimet asked how many employees? Ms. Breeding stated it would just be me; it's just a one person office. Mr. Ouimet asked Mr. Marlow if he looked at the parking situation? Mr. Marlow stated yes and there are no apparent issues at this point. Mr. Ouimet asked the applicant if she was going to have a sign. Ms. Breeding stated I have a sign on the door and there is a hanging sign below the Freedom One Funding existing sign and it's the same thing. Mrs. Murphy stated could you please check with Planning because the hanging sign is what I'm sure of. Mr. Ouimet stated the sign on the door is not an issue. Ms. Breeding stated okay.

Mr. Roberts made a motion to approve the Change of Tenant application for the Law Office of Alice M. Breeding, PLLC. Mr. Higgins seconded. All-Aye. Motion carried.

**14.059 NB            Grace Fellowship - Halfmoon, 1 Enterprise Drive – Sign(s)**

Ms. Lisa Tymchyn from Saxton Sign stated the following: I'm here tonight representing Grace Fellowship for four signs. Grace Fellowship's logo has changed on the free-standing sign so, we are proposing to take out the old panel and replacing it with a new panel depicting their new logo. Mr. Ouimet asked so; you're not increasing the size of that sign? Ms. Tymchyn stated no, one panel comes out and a new panel will replace the old panel. Mr. Ouimet asked Mr. Roberts if he had reviewed the signs? Mr. Roberts stated yes we have and it would actually be a site reduction in the total signage and it meets the Town Code. Mr. Higgins stated obviously you can't talk for the site and whether the site is in compliance because you are just from the sign company, correct? Ms. Tymchyn stated are you asking me if the site is in compliance? Mr. Higgins stated right. Ms. Tymchyn asked as far as what? Mr. Higgins stated they had a couple of containers parked over in the back of the parking lot and asked do you know anything about that? Ms. Tymchyn stated no, I don't know. Mr. Ouimet asked Ms. Tymchyn if there was anyone present tonight from Grace Fellowship? Ms. Tymchyn stated I don't think so. Mr. Higgins stated I suggest that if we're going to approve the Sign application, we do it contingent upon the site being in compliance.

**For the record: The Planning Department's write-up for the sign(s) is as follows:**

Number of Signs: 4 (2 new and 2 amended)

**Sign 1** = NEW – to read "grace"

\* 24" x 76"= 12.6 SF

\* Internal Lighting

\* Wall-Mounted

**Sign 2** = NEW – to read "G"

\* 48" x 48"= 16 SF

\* Wall-Mounted

\* Internal Lighting

**Sign 3** = Reduction of wording/size on EXISTING sign – (***removing*** the word “north”)

\* 131.5” x 44” = 40 SF

\* Wall-Mounted

**Sign 4** = Change in wording (no change in sign size)

\* 23.87” x 112.5”= 18.75 SF; Two sided = 37.5 SF total

\* Free-Standing/Monument

Mr. Roberts made a motion to approve the Sign Applications for Grace Fellowship – Halfmoon with the condition that the site conforms to the previously approved site plan. Mr. Higgins seconded. All-Aye. Motion carried.

**Old Business:**

**11.143 OB Linden Village PDD, Dunsbach Road – Mixed Residential PDD**

*Editor's note:* Mr. Roberts and Mrs. Smith-Law recused themselves from this item. Mr. Donald Zee, Esq. stated the following: I'm the attorney for the applicant and with me tonight is Mr. Ivan Zdrahal who is the engineer for the project. As this Board may recall, at our last meeting we came in with a substantial modification to the Planning Development District (PDD) that originally had been proposed. I would like to talk about the project as we now propose it as compared to what the project was initially. Initially, at the last iteration that had been presented to the Board and to the public, we had proposed a project with 260 apartments and 42 single-family homes, which covered both where the Exit 8 driving range is and lands that are currently zoned R-1 Residential. We have now reduced the size of the project down to 38.8-acres. We are seeking a PDD to permit just single-family homes and eliminating all apartments. As I said, with that project we are proposing 48 single-family homes on what we call on a clustered basis, meaning smaller lots and we seeking building lots of approximately 10,000 SF. In our package, which had been prepared and submitted, we had layouts of the proposed homes that range from 1,700 to 2,200 SF. We have those homes actually built in the Capital District in Brookfield Place as well as a project in the Town of Colonie called Lake Ridge. You had asked us to prepare a chart just to show some of the differences and what we showed was some of the comments that were raised by the public. Comment #1 was; in the original project that we had too many apartments. So, as I said, we have eliminated all of the apartments completely. Initially there were 260 apartments in the last design that we had shown and now we have zero. We are proposing 48 single-family homes and previously we had the 260 apartments and 42 single-family homes. Comment #2 was; because of the project proposed that we were generating too much traffic that was going to affect the intersection of Vischer Ferry as well as Dunsbach Ferry. With the analysis that we had looked at through Creighton-Manning; we were generating during the peak hours with our original project 254 trips during the peak hours and now we are reducing it to 48 trips. The impact on the school system with the project that we had previously proposed, it was estimated that we would have 103 school aged children as a result of the development there, we now anticipate 12 and we use that 12 based on real life information that we have garnered from Brookfield Place as well as Lake Ridge. In our project we had indicated that in the Lake Ridge project where there are 55 single-family homes of this nature and there are only 2 school aged children. We did not use that low number for our number of 12 here and we took the existing situation in Brookfield Place, which is obviously in the Town of Halfmoon, and extrapolated with the number of units sold there that are cottage lots and the number of school aged children we anticipate to be 12. With regard to impacts on the infrastructure, obviously with the larger project we had a substantially greater impact to the sanitary sewer systems of the Town. Previously our engineers estimated approximately 49,500 gallons per day of sanitary sewer flows into the system and with our revised project we are anticipating 12,000 gallons per day. So, we're less than one-quarter of what was

initially impacted. With regard to stormwater management; previously we had anticipated 19.3-acres of impervious surface to cause runoff, etc. and now we are looking at 5.3-acres of impervious surface, which is substantially less. Public Benefit; previously we had proposed \$1,000.00 per unit for a total of \$302,000.00 and now we're proposing \$2,604.00 or so for a total of \$125,000.00. So, we're still proposing a public benefit and the exact nature of the public benefit is described in the package and I can go into that with a little bit of detail if the Board has specific questions. Also, there was a concern with regard to the lack of a recreational or play area. In our previous project we had greenspace and now we propose community recreational amenities, a trail, shelters, open areas and we would have 50% of the area as openspace protected and that would be managed and taken care of by a Homeowner's Association. So, I believe that these were some of the major concerns raised by the public and we've tried to address it by substantially downsizing the project and by substantially downsizing the project, we reduce the impacts by way of infrastructure and reducing the impacts on the school system specifically by way of the housing type that we're proposing. The reason why we need a PDD is because under the existing zoning for an R-1 Residential, we are only entitled to 41 single-family homes. So, we also did a chart doing the comparisons between what is permitted and what we are seeking by way of the PDD. Under the PDD we are proposing 48 single-family homes on the cluster development side. We talk about alternative "B", which is the as of right, so to say, and there we would have 41 single-family homes. With the PDD, we would be proposing to preserve 56% of the land as openspace as opposed to 38% with the conventional layout. Once again, the length of the road, which would be of concern to the Town because you would have more maintenance as the length of the road gets longer, we would proposed to reduce with the PDD, reducing the roadway length from 3,100 linear feet to 2,500 linear feet. So, that reduction would reduce the amount of cost to the Town for roadway maintenance, etc. With regard to the Public Benefit; with a conventional layout, there is no requirement per say of a public benefit and with a PDD we would proposed, as I said, a \$125,000.00 worth of public benefit. With regard to the Park fees; there are park fees proposed and it is a little bit more than what is required under the existing fee schedule for conventional single-family homes \$61,500.00 versus the \$72,000.00. With regard to the conventional Single-Family Home layout, because they allow for larger homes because of the contrast to the smaller lots that we are proposing, we find that the homes that are purchased both in Lake Ridge and Brookfield Place that are on these smaller lots; they are primarily for people who want to downsize. People who want to downsize do not create the same impacts as conventional single-family homes and so we believe that there be a reduction somewhere from 34 down to 12. With regards to the Recreational Facilities; under the conventional layout, we would not have public amenities or the playground areas, whereas with this project, we have the amenities that I previously talked about, which were trails, recreational facilities and a gazebo area or picnic area that we would proposed. I do have a second column, which if the Board says, "well, we don't like the 48", we would then propose an alternative PDD with the 41, which would allow the reduced number of lots for the lot size and under those circumstances we would have a reduction in the linear feet and there would be an increase in the openspace, but we would propose no public benefits because the number of lots would be as of rights and we would not propose a public benefit under that alternative. Mr. Ouimet stated I'm not sure that I understand that. Mr. Zee stated well, we truly do not prefer alternative "B". Mr. Ouimet stated so, you don't prefer conventional and you don't prefer alternative "B" even though alternative "B" would allow you construct on smaller lots? Mr. Zee stated alternative "B" would not allow us. Mr. Ouimet stated no, that's the conventional. Mr. Zee stated right and yes, alternative "A" is preferred over alternative "B". Mr. Ouimet stated but you would still be looking for a zoning change for "A" because you want to build on smaller lots, is that correct? Mr. Zee stated yes, that is correct. Mr. Ouimet stated so, you would proposed no benefit for that PDD and I don't know how you could do that because the law requires that there be a public benefit if there is a Planned Development District. Mr. Zee stated the following: Benefit

would be the reduction of the infrastructure and less cost to the Town to maintain. Mr. Ouimet stated that is kind of interesting. Mr. Nadeau stated that is not a public benefit to the Town. Mr. Ouimet stated the following: I understand. What I would like you to do is go back to the proposal that is before us tonight, which is a 48 smaller lot PDD, correct? Mr. Zee stated that is correct. Mr. Ouimet stated you said that there's a \$125,000.00 worth of public benefit and could you tell us what that is and how you came to that number? Mr. Zee stated the following: I am reading from the Linden Village PDD Development Proposal Report and we have a highlighted cover section, which is Part 4 Public Benefit proposal and we propose to install a Dunsbach Road westbound turning lane and the anticipated cost of that is estimated to be \$57,371.00. We also propose existing drainage system upgrades and that cost was \$25,845.00 and that is Item #2 of the Public Benefit. Item #3 is proposed culvert replacement and that cost is estimated at \$24,500.00 for a total of \$107,715.00 plus we put in a contingency of \$5,285.00 for a total construction cost of \$113,000.00 plus a design cost of \$12,000.00 for a total project cost of \$125,000.00. So, once again, it's a Dunsbach Road westbound turning lane, existing drainage system upgrades and proposed culvert replacements and these are based on the prevailing wage schedule. Mr. Ouimet stated with respect to the proposal to build and construct a turning lane at the end of Dunsbach Road that intersects with Vischer-Ferry; that was originally proposed as public benefit in your larger project, correct? Mr. Zee stated that is correct. Mr. Ouimet stated and that was based on the fact that you were proposing 245 trips during the peak hours. Mr. Zee stated yes. Mr. Ouimet stated and now you're only projecting 48 trips so, why would you need to widen the intersection at this point in time because it's a smaller amount of cars going out. Mr. Zee stated well, we've heard from the Board and the public as to concerns, but I'll let Mr. Ken Wersted from Creighton-Manning address that. Mr. Nadeau stated as I see this as a public benefit; the reason that it's needed is because of this project and not for what is currently there. Mr. Ouimet stated the following: That's what I'm trying to get at because they were proposing it when they were proposing the project with 254 trips because of the size of the project and now that the size has considerably shrunk down to 48, they're proposing a lot less trips. So, my question is; why do you need to widen that intersection? Mr. Nadeau stated but my concern is; the reason they need the road is for their project so, that does not become a public benefit. Mr. Ouimet stated no, I understand that, but I'm not sure that they even need it for their project. Mr. Nadeau stated I'm just trying to state that basically they need that turning lane for their project and not for the Town. Mr. Ouimet stated right, but what I'm trying to do is to take it one step at a time. Mr. Ken Wersted from Creighton-Manning Engineering stated just for the record; I think when Mr. Zee was reading off the public benefit, it's not a westbound right turn lane and it should be southbound right turn lane on Dunsbach Road because Dunsbach Road is a north and southbound and I think the language in here mentioned a westbound turn lane and it's actually southbound. Mr. Ouimet stated right and it will actually allow you to turn west to go to the Northway. Mr. Wersted stated correct and it's on Dunsbach Road traveling from the north to the south to make a right turn in front of Mama's. Mr. Ouimet stated so, to picture this, this would be alongside the parking area for Mama's right now, right? Mr. Wersted stated correct. Mr. Ouimet asked why do you need it based on the constricted size of the project that you're now proposing? Mr. Wersted stated the following: It isn't necessarily needed because of the volumes and as you pointed out, they have been decreased by 80% to 75%. It does help obviously to allow people to turn left and the left turn movement turning onto Vischer-Ferry Road to head towards Route 9 is going to be a movement that is going to have more delay because they have to yield to traffic going in east and west directions. What the right turn allows people to do is to get around those people to make a right turn with less delay to get over to the Northway, but because of the volume of the project has been decreased so much it isn't necessarily an improvement that has to be done to mitigate necessarily a lot of delay and that was the case previously when the project was a lot larger. Mr. Ouimet stated the following: So, since this is not needed for your project, that's why you're proposing it as a public benefit,

correct? So, if that turn lane were to be eliminated, you would still have to find an additional public benefit to provide, correct? Mr. Wersted stated correct. Mr. Ouimet stated continuing with respect to the public benefit; you are proposing a drainage system upgrade as another part of your public benefit, correct? Mr. Zee stated yes. Mr. Ouimet asked how much of that is required in order for you to handle your project versus what is needed to improve the drainage on Dunsbach as it currently exists? Mr. Ivan Zdrahal from Ivan Zdrahal Associates, PLLC stated the following: I am the project engineer. Basically none of the drainage improvements are really required for the project drainage. This is something that I reviewed with the Town Highway Superintendent that there are some conditions there that could be improved and basically that's what we're proposing as public benefit. Mr. Ouimet stated okay and I would assume that the culvert replacement is another issue that you discussed with the Highway Superintendent. Mr. Zdrahal stated yes, both of those. Mr. Ouimet stated the following: So, that's not needed for your project as well. So, you don't need any improvements to the existing infrastructure to add you project to it, correct? Mr. Zdrahal stated correct. Mr. Ouimet asked nothing? Mr. Zdrahal stated no. Mr. Nadeau stated explain the Craver property to me or that situation that has occurred with that. Mr. Zdrahal stated the following: I am discussing a potential arrangement with two properties adjacent to the project. One is the Wright property; which we have an agreement based on the desire of the landowner because they want to subdivide their property into two lots in the future. We will be giving them a strip of land that will allow two keyhole lots in exchange for some property here on the back and that would allow Mr. Wright to build a house next to his family house that is located in this area here. So, we would be adding the strip of land to his Lot A and Lot B. Another situation that we have is that we have been discussing a potential arrangement to accommodate access to Lands of Craver and that has not been resolved at this point yet. This shows one proposal that we presented to Mr. and Mrs. Craver giving the land, which is shaded in yellow, as a deeded property to them at no cost so that their driveway can be located on their property. The Craver's responded with comments on the proposal so, actually today I am sending them another revised proposal how to accommodate their drive. If we don't get any agreement with the Mr. and Mrs. Craver, we would leave the easement in its present location and we would change the Homeowner's Association (HOA) property so that easement is on a HOA property and that Mr. and Mrs. Craver can use the driveway as they are using it now. Mr. Nadeau stated so; the question being, is that easement is on your project? Mr. Zdrahal stated the following: Yes, the easement is on the project. Actually, that easement was to serve both of the properties; Craver and Wright. Mr. Ouimet stated if I understand you correctly, you have an agreement with the Wright's. Mr. Zdrahal stated yes. Mr. Ouimet stated but not yet with the Craver's. Mr. Zdrahal stated no, we are still negotiating with the Craver's. Mr. Ouimet stated I think it is important and we talked about this at our pre-meeting; that you understand that this Board is very concerned that you reach an agreement with the Craver's before this project goes too far. Mr. Zdrahal stated the following: Right. As I said, I sent a copy of the Craver proposal to your Planner and if that's not going to work out, we will leave the easement intact and their rights to access their property will not be prevented and the easement will be on the project site on the HOA property. Mr. Ouimet stated I understand that you have been negotiating with the Craver's and this Board is not going to be part of your negotiations. Mr. Zdrahal stated of course, I'm not asking for that. Mr. Ouimet stated so, just be clear that it is the concern of this Board that this gets resolved some way or another. Mr. Zdrahal stated of course, I'm trying hard and we have already submitted four different proposals. Mr. Ouimet stated I'm not going to comment on hard you've tried or how you tried or where the negotiations stand at any one point in time because that gets us in the middle of it and we're not going to go there. Mrs. Sautter stated the following: Looking at the access, I see a right-of-way of Linden Park Drive, which I assume is the main street or road, and it says it's proposed to extend to the adjoining property of Hughes on the north for possible future extensions. Have there been any arrangements made and have we drawn up any plans? Mr. Zee stated the following: At this point

in time we don't have any plans whatsoever for that property and we don't have any contracts for that property. Good planning normally dictates that you bring roadways, if possible, to the property line. Mrs. Sautter stated the following: In the packet that you gave us and maybe you're not aware of it; I do have a concept for a single-family layout on the Land of Hughes, exhibit "B" and its dated March and it shows 26 homes proposed for the Lands of Hughes. Mr. Zee stated the following: As I said, we don't have any contracts with that. We prepared it just so that the public would note that the people who would potentially live in this would know that there is a possibility of a future connection for a through road. That has always been a concern for residents when they see a roadway end that they think it's forever wild. So, we just have a concept drawing showing that. Mrs. Sautter stated okay, because it is under the Linden Village PDD sanitary sewer service area and the Board was a little confused about why that was in here if that is not part of the PDD. Mr. Zee stated we just did that for informational purposes. Mr. Berkowitz stated so; there is no contract on that land that you know of? Mr. Zee stated none whatsoever. Mr. Zdrahal stated the following: I know Mr. Hughes and I have talked to Mr. Hughes many times. Mr. Hughes would like to subdivide the property, but there is no contract at the present time and it was just shown here as a planning information and it presents a reasonable use of the property as far as a residential subdivision because we studied the land as far as wetlands, slopes and so on so; this is, in my opinion, as planner and as an engineer, this is the number of lots that could be achieved on the property. So, we had the information and that is why we presented it. Mr. Berkowitz stated so; there is no offer at this time and you haven't reached out to them, but you've looked at that piece of property and imaginatively have subdivided it. Mr. Zdrahal stated as you know, this Linden Village project has been through different stages of plans and at one time a few years back the Hughes property was part of the project that we subdivided out. So, at that time we had all the information available just to do the planning. Mr. Berkowitz stated and he is free to sell it to you if you want. Mr. Zdrahal stated that is up to Mr. Hughes. Mr. Berkowitz stated and even though this project isn't approved or anything that is good planning to have that connection in the future if something goes there, but right now there's nothing on the drawing board. Mr. Zdrahal stated yes, right now there is nothing as far as the Hughes property and we're showing it as planning information and it also shows the location of the propose Town road along that property line here that is reasonable for a future extension. Mr. Ouimet asked is that why you teed the road off there and not cul-de-sac it? Mr. Zdrahal stated I discussed that with the West Crescent Fire Department and they would be satisfied with the teed hammerhead type turnaround. Mr. Ouimet stated if you put a cul-de-sac there would you most likely lose some of those lots? Mr. Zdrahal stated well, this is on a PDD level and this is not a final design, but this is what I've always based on the discussion. Mr. Ouimet stated just so I'm clear on my understanding of the conversation that you've already just had about this Hughes property; you haven't been designing anything for Hughes as far as layouts of lots connecting out to this project or anything have you? Mr. Zdrahal stated no, I have not. Mr. Berkowitz stated it looks like it is kind of sloped there; how steep are those slopes because the contour lines are pretty close? Mr. Zdrahal asked are you talking about the Hughes property? Mr. Berkowitz stated yes. Mr. Zdrahal stated one area is basically useable property over at the Hughes property, in another area there is a major wetland complex and a substantial drainage area, which actually drains to the culvert that we are planning to replace under the public benefit and in another area there is a major slope so, that's why it's not there. Mr. Higgins stated the following: You just pointed to where that road goes into the Hughes property and you just said that that's wetlands so; did you point to something different than what I was looking at? It's right where the road goes into the Hughes property and is that wetlands right there? Mr. Zdrahal stated the following: The major wetlands follows a deep ravine and actually goes to a culvert that we will be improving on Dunsbach Road. There is also a finger of wetland that goes to the project site, so they would be required to close that, but it's a very minor disturbance so, I'm sure it can be handled under a nationwide permit. It's an Army Corp of Engineers (ACOE) jurisdiction wetland.

Mr. Higgins stated under the benefits you were talking about not only the culvert, but also the stormwater retention. Mr. Zdrahal stated stormwater retention? Mr. Higgins stated well, as far as the benefits you were talking about improvements for stormwater and asked wasn't that one of ones in there? Mr. Zdrahal stated the following: The list of public benefit is outlined on page 7, item 6 – public benefit. There are four items; the construction of the west bound turning lane for traffic moving south on Dunsbach Road, improvements to existing drainage facilities in two locations along Dunsbach Road and we also have the clearing that we will be doing along Dunsbach for sight improvement for public traffic safety and we are not adding that to the monetary value of the improvements, but it would be a public benefit. Mr. Higgins asked could you show on the map where items "B" and "C" are? Mr. Zdrahal stated one of the drainage improvements is in this area and it's kind of old and kind of dilapidated. Mr. Higgins asked isn't that where you are putting the two stormwater retention basins on either side of the access? Mr. Zdrahal stated stormwater is here on this side. Mr. Higgins stated and on the other side too. Mr. Zdrahal stated well, that is possible. Mr. Higgins stated the following: I keep asking you about that and you say "well, if it is needed". I have asked about the two stormwater retention ponds every single time you've been here and you keep saying "if it's needed". Even if the one on the right is not needed, the stormwater that is being collected in the one on the left has to go somewhere, correct? Mr. Zdrahal stated the following: Basically stormwater management for the portion of the project site will be constructed in this area on one side of the road or on both sides of the road and that will be shown on the final plans. This drainage that goes to this location is very small drainage and only this area on the existing conditions drains there. So, we're planning to do the stormwater management in such a way that we certainly will not be increasing the flows to that area because we can't. Mr. Higgins stated well, if you're not increasing the flows and the existing flows are handled, then why are you doing the offsite improvements? Mr. Zdrahal stated the following: As I said, at this point there was an old pipe that crosses the road on an angle. I don't know who extended it further to the north and the connection was not made by the structure, but the existing pavement is collapsing in that location. So, what I was discussing with the Highway Superintendent that we would put a new pipe across and put a structure here and a new pipe in front of the property and repair the sinking pavement there. Mr. Higgins stated so, what you're contending is that the flow off of your site is not going to affect that, but you're proposing as a public benefit to make those changes just because the existing conditions, whether you build or not, the existing conditions require that that improvement be made and asked am I understanding that correctly? Mr. Zdrahal stated really it is the drainage for Dunsbach Road. Mr. Higgins stated okay, if you don't build, does that repair have to be made? Mr. Zdrahal stated the following: The repair will have to be made because there is a very noticeable dip along the edge of the pavement where obviously there is movement. I presented that to the Highway Superintendent and he agrees. Mr. Ouimet stated if this is not needed for his project, then he's proposing it as a public benefit and if the Town Board doesn't want that as a public benefit, then if the culverts need to be replaced that's under the Highway Superintendents purview. Mr. Zdrahal stated the following: It was always and in the past we were told to submit a specific public benefit proposal and not something which will be open for the future and just put a specific public benefit proposal on the table, which we did. Mrs. Murphy asked who suggested the repair of that culvert? Mr. Zdrahal stated Mr. John Pingelski, Superintendent to the Highway Department, suggested that. Mr. Ouimet stated the following: It's not something that you proposed out of the blue. It's something that the Highway Superintendent suggested that that would be public benefit, correct? Mr. Zdrahal stated we saw this as a deficiency and I asked the Highway Superintendent if this was something he felt that we could improve and he said yes. Mr. Higgins stated as far as the end of the road by Hughes, did Mr. Pingelski also approve that hammerhead there because the Town is going to be plowing that, correct? Mr. Zdrahal stated the following: I'm not sure if I discussed that with Mr. Pingelski specifically. I discussed it with the emergency people with the West Crescent Fire District

and also with Mr. Bryans, the Deputy Highway Superintendent, and they felt that a hammerhead would be sufficient and if not, we will build a temporary turnaround. Mr. Higgins stated because I know in the past that Mr. Pingelski has frowned against them because of snow plowing. Mr. Ouimet stated right, but Mr. Pingelski has seen this plan for a while now, right? Mr. Harris stated yes, Mr. Pingelski has seen the plan.

Mr. Nadeau made a motion to set a Public Informational Meeting for the June 9, 2014 Planning Board Meeting using the expanded notice area from the previous Public Informational Meeting for this application. Mr. Berkowitz seconded. All-Aye. Motion carried.

**12.101 OB Victor's Farm Subdivision, Farm to Market Road/Smith Road – Major Subdivision**

Mr. Jason Dell from Lansing Engineering stated the following: I'm here on behalf of the applicant for the Victor's Farm Subdivision. The project has been before the Board on multiple occasions. The project involves the subdivision of an approximately 23.9-acre parcel into 12 new lots and 1 existing lot for a total of 13 lots. All of the lots are in accordance with the Agricultural-Residential (A-R) zoning. For this project there will be one shared driveway that will access the 12 lots in the center portion of the site and the existing house will continue to utilize the existing driveway that is currently there. Municipal water and sanitary sewer will be provided to the lots. Intersection improvements are proposed for the Smith Road and Farm to Market Road intersection as well as immediately across the way at Smith Road and Farm to Market Road again where there is a little bump out that is proposed there. In addition, the triangular area that is made of Cary Road, Smith Road and Farm to Market Road is proposed to be dedicated to the Town for potential future road improvements. Since the last time we were before this Board, we have had additional items that we have gotten our approval on from the New York State Department of Health (NYSDOH) has given their okay on the project, Saratoga County Sewer District has issued an approval letter and the Water Department as well. So, we are here tonight to answer any remaining questions that the Board has and to ask for final approval. Mr. Ouimet asked do you have all approvals from all the outside agencies? Mr. Dell stated yes. Mr. Nadeau stated towards the west side of the site, I think I brought up initially that the site distance should have clearing done there and asked Mr. Dell if that was in the plan. Mr. Dell stated yes, correct. Mrs. Sautter stated regarding the proposed retaining wall where it is kind of steep; is that just for Lot #3 or does that go all the way around? Mr. Dell stated the following: if you recall, there was quite a lot of discussion at the last meeting and what resulted from that was a note that we had included on the plan that's going to require individual site plot plans for Lots #1, #2 and #3 over on the western side. So, that way homeowners would know exactly what they were purchasing at the Building Department level. So, before a building permit would be issued, an individual plan showing any potential wall, grading, house location and exact house dimensions because right now we're showing quite a large house right there and it may be smaller or narrower and it may be wider and skinnier. There are many many different configurations that can be done. So, that will rectify that problem.

Mr. Roberts made a motion to grant final approval for the Major Subdivision application for the Victor's Farm Subdivision. Mr. Nadeau seconded. All-Aye. Motion carried.

Mr. Ruchlicki made a motion to adjourn the May 12, 2014 Planning Board Meeting at 8:03pm. Mr. Berkowitz seconded. All-Aye. Motion carried.

Respectfully submitted,  
Milly Pascuzzi  
Planning Board Secretary